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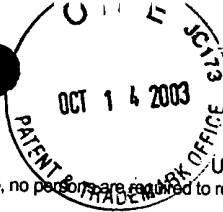
"Express Mail" Label No. : EV 316 331 670 US
Serial No. : 09/852,313
Applicant(s) : HARRIS, Larris et al
Filing Date : May 9, 2001
Title: : Process for Applying Microcapsules to Textile
Materials and Products Formed by the Process
Examiner : Todd J. Kilkenny
Group Art Unit : 1733
Type of Document(s) : Express Mail Certificate;
Transmittal Form;
Election (4 pgs.); and
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PTO/SB/21 (05-03)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/852,313
Filing Date	May 9, 2001
First Named Inventor	Larris Harris et al.
Art Unit	1733
Examiner Name	Todd J. Kilkenny
Attorney Docket Number	41872-249694

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Total Number of Pages in This Submission

4

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Response☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
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Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)
(please identify below):**1. Election**

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual name

J. Michael Boggs

Signature

J. Michael Boggs

Date

10/14/03

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#6/160E
10/21/03
EV 316 331 670 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Larry Harris et al.
Serial No. : 09/852,313
Filing Date : May 9, 2001
Title : Process for Applying Microcapsules to Textile Materials and
Products Formed by the Process
Examiner : Todd J. Kilkenny
Group Art Unit : 1733

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Dear Sir:

ELECTION

This Election is being filed in response to the Official Action mailed September 16, 2003, in the above-identified application.

I. Election of Group of Claims

In the Official Action, the examiner restricts prosecution to one of two (2) groups of claims.

Applicant hereby **elects Group II**, which includes claims 44-67, *with traverse*.

The Official Action states that the final product as claimed does not require the process steps as recited and can be made by another and materially different process such as a process that doesn't require a treatment bath, but rather spray coats the microcapsules onto the textile material, or, alternatively, that the final product can be made by another and materially different process such as a process that doesn't require dispersing the microcapsules with a dispersant, but

rather applies the microcapsules as solid particles directly to the textile without a dispersant.

(Official Action, para. 2.)

Claim 44, and claims 45-51 dependent therefrom, of the present invention claim a textile material having microcapsules applied thereto, the microcapsules applied to the textile material by placing the textile material *in a treatment bath*, contacting the textile material with the microcapsules, *dispersing the microcapsules* around and through the textile material *with a dispersant*, and adhering the dispersed microcapsules to the textile material with a binder. Claim 52, and claims 53-59 dependent therefrom, of the present invention claim a textile material having microcapsules applied thereto, the microcapsules applied to the textile material according to the process of claim 30, including placing the textile material *in a treatment bath*, physically dispersing the microcapsules in the bath to contact the textile material with the microcapsules, *dispersing the microcapsules* around and through the textile material *with a silicone-based dispersant*, and adding a binder to the bath to adhere the dispersed microcapsules to the textile material. Claim 60, and claims 61-67 dependent therefrom, of the present invention claim a textile material having microcapsules applied thereto, the microcapsules applied to the textile material according to the process of claim 37, including placing the textile material *in a treatment bath*, stirring the bath for three minutes to physically disperse the microcapsules and contact the textile material with the microcapsules, *dispersing the microcapsules* around and through the textile material *with a dispersant*, and adding an acrylic binder having a cationic charge to adhere the dispersed microcapsules to the textile material. Accordingly, Applicant respectfully submits that the product as claimed in these claims cannot be made by a process that

is materially different than the processes claimed in claims 30 and 37, which are part of Group I. Thus, a search encompassing claims in each group would not be unduly burdensome. Therefore, Applicant respectfully requests that the restriction requirement be withdrawn.

II. Election of Species

In the Official Action, the examiner restricts prosecution to a single disclosed species.


Applicant hereby **elects Species A₁**, wherein the microcapsule contains a moisturizing agent. Applicant respectfully submits that claims 47, 49, 55, 57, 63, and 65 are readable upon the elected species. This species election is made *with traverse*.

As stated in the Official Action, claims 44-46, 52-54, and 60-62 are currently generic. Applicant respectfully submits that these claims are allowable, that each of the species A₁ (moisturizing agent), A₂ (fragrance), and A₃ (vitamin) are subsumed within these generic claims, that a search encompassing claims in each of these species would not be unduly burdensome, and that all of these claims should be prosecuted together. Therefore, Applicant respectfully requests that the restriction requirement related to species be withdrawn.

The Office is respectfully invited to contact J. Michael Boggs at (336) 747-7536, to discuss any matter relating to this application.

Respectfully submitted,

Date: 10/14/03



J. Michael Boggs
Reg. No. 46,563

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